



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6774-99

11 April 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting a change in her reenlistment code and that her record be corrected to establish entitlement to separation pay.

2. The Board, consisting of Mr. Molzahn, Ms. Madison and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 4 April 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 20 October 1993 for six years. At that time, she had completed 10 years of active service on prior enlistments. She then served without any problems for over four years.

d. The performance evaluation for the period ending 15 March 1999 indicates that Petitioner received a medical waiver for the physical readiness test (PRT) and was not within body fat standards. She was assigned a marginal mark of 2.0 in the category of military bearing/character because she was not within standards. The remainder of the marks show excellent performance of duty, and she was recommended for advancement and retention in the Navy.

e. Petitioner's performance evaluation for the period ending 19 October 1999 shows that she was assigned an adverse mark of 1.0 in the category of military bearing/character and was not recommended for advancement and retention. The evaluation comments stated that she had failed four PRT's within a four year period. She was honorably discharged on 19 October 1999 at the expiration of her enlistment and was assigned an RE-4 reenlistment code. At that time, she was assigned a separation program designator (SPD) code of KBK, which indicates her discharge was voluntary. The record shows that at the time of discharge she had completed 16 years of active duty.

f. Petitioner states in her application that she was placed in the remedial physical fitness program in October 1998 after two PRT failures but had surgery on her feet in January 1999. She implies that the operation kept her from making the required progress in the remedial program. She cannot understand why she was not recommended for reenlistment after 16 years of active duty.

g. The Board is aware that regulations require the payment of one half separation pay if an individual is denied reenlistment upon expiration of enlistment, and is not qualified for advancement or retention. Such an individual should be assigned an SPD code of JBK, which means that the request for reenlistment was denied and discharge was involuntary. As indicated, Petitioner was assigned an SPD of KBK which indicates that her discharge was voluntary. The Board is also aware that regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is denied reenlistment because of weight control failure.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that except for the adverse marks caused by her inability to meet body fat standards, her performance of duty was excellent. The Board believes that although the decision to deny reenlistment was proper, the less restrictive RE-3T reenlistment code should have been assigned. This code will alert recruiters that Petitioner must be evaluated before an enlistment waiver can be granted, but it will not preclude consideration for reenlistment.

Concerning the separation pay issue, the Board notes that Petitioner had completed 16 years of active service and was not recommended for reenlistment because of her failure to meet the body fat standards. Therefore, the Board believes that she would

have reenlisted except for the command's decision not to recommend her for reenlistment. Given the circumstances, the Board concludes that the SPD code should be changed to JBK to show that her discharge was involuntary. With this change she will be eligible for one half separation pay.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 19 October 1999 she was assigned an RE-3T reenlistment code vice the RE-4 reenlistment code now of record.

b. That Petitioner's naval record be further corrected by changing the SPD code to JBK vice the SPD code of KBK now of record and that she be paid one half separation pay.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

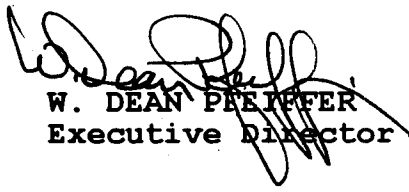
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director